

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, November 2, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger,

P. Plante (7:36 p.m.), B. Pociask, B. Ryan

Alternates present: M. Beal, L. Lombard (7:36 p.m.)

Alternates absent: G. Lewis

Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:19 p.m. Alternate Beal was appointed to act until Plante's arrival.

Holt MOVED, Hall seconded, to add to the agenda under New Business: a bond release request from Paideia. MOTION PASSED UNANIMOUSLY.

Minutes:

10/19/09-Hall MOVED, Pociask seconded, to approve the 10/19/09 minutes as written. MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report:

The Zoning Agent's report was noted. Hirsch related that he has issued Edward Hall a Violation Notice upon investigating and confirming the claim of additional trailers on the Hall site.

Old Business:

1. Review of Proposed Signage and Landscaping for 454 Storrs Rd, File #1279

Goodwin disqualified herself. Padick referenced his 10/29/09 memo and summarized the proposed ramp, landing and signage improvements. Ranjit Balajjen, property owner; John Ivan, Paragon Builders; and Michael McDonald, Stix n' Stones were present.

Gardner questioned the location of the sign and possible interference with sightlines. Hirsch responded that the sign is the appropriate distance away from the road and would not interfere with sightlines.

Holt expressed concern that the ramp design and all railings lacked design consistency. She proposed that the plans be sent to the Design Review Panel for review.

Pociask expressed concern that the pressure treated wood proposed for ramp construction would warp over time and become hazardous. Ivan and McDonald related that composite deck materials are available and are an option. Samples will be submitted to the Planning Office for approval.

McDonald discussed the immediate need to construct the wall now to prevent erosion on Bassetts Bridge Road side of the building and noted the ramp can not be built until the wall is constructed as per the Building Code. He also stated that he plans to install all plantings now, rather than in the spring, and he will mulch for winter protection, agreeing to replace any losses due to winter damage.

Hall said that the ramp location and construction is based on the building code and that the Commission could appropriately address design aspects without referral to the Design Review

Panel. Noting no comments from the public or further comments from the staff or the Commission, Kochenburger MOVED, Plante seconded, that the PZC Chairman with staff assistance be authorized to approve final plans for signage, landscaping and associated site work at 454 Storrs Road. The final plans shall be based on the applicant's most recent submissions as supplemented, revised or otherwise discussed at the PZC's 11/2/09 meeting. MOTION PASSED with all in favor except Holt who was opposed and Goodwin who disqualified herself.

Public Hearing:

Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a.
File #585-3

Chairman Favretti opened the continued Public Hearing at 7:50pm. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Pociask, Ryan, and alternates Beal and Lombard. Padick noted a 10-29-09 memo from the Director of Planning, a 10-29-09 letter from the Town Attorney, a 10-28-09 revised Statement of Use from the applicant and 10-26-09 revised plan, a 10-27-09 memo from Bryan Burney, owner of Ted's Spirit Shop and potential new occupant, and a 10-26-09 letter from the Department of Transportation.

Mary Hirsch, owner, referred to Padick's memo and stated that she has agreed to create a crossed-hatched area in front of the door for patrons to safely enter and exit the store, but she requested that the Commission not require a handicapped space in this area as this will eliminate a parking space near this door.

Members discussed with Hirsch pedestrian access to the site. It was noted that students often take the shortest path despite crosswalks and designated pedestrian areas. Burney stated that the same pattern occurs at the site he currently occupies despite attempts to correct it.

Chairman Favretti noted no further questions or comments from the public or Commission. Hall MOVED, Gardner seconded, to close the Public Hearing at 8:05 p.m. MOTION PASSED UNANIMOUSLY. Hall volunteered to work with staff to draft a motion.

Request for Permitted Use Determination: Property in a Planned Business-5 Zone.

Padick summarized the request for determination submitted by IMCORN President and COO Bruce Broussard, who was present to address any questions. Mr. Broussard provided an overview of the planned use and related that all deliveries would be made by UPS/Fed-Ex vans. He related that many of IMCORN's employees are on job sites. All employees are not present at the office site at one time.

Holt asked about the use of solvents for cleaning and was told all regulations for hazardous materials would be followed.

Ryan questioned the parking of test vehicles ("mobile units") at the site and what that would entail. Broussard indicated that 3 or 4 mobile units at the most would be parked there in the winter which is their slow time. He stated that due to the sensitivity of the equipment they contain, they would be parked inside. Employee parking would number no more than 15 cars at any one time. Kochenburger asked what the loudest activity would be at the site, noting that this site abuts a residential zone. Broussard responded that all of the work is done inside and is not loud, but noted running their diesel truck for a maximum of 30 minutes would be the extent of outside noise.

Padick noted that the Commission has been asked is to determine if this use is a permitted use in a Planned Business 5 Zone. After discussion, Goodwin MOVED, Holt seconded, that the proposed IMCORN use, as described in an October 21, 2009 letter from Mr. Bruce Broussard, is considered a

professional office use and, subject to compliance with all special permit submission requirements and approval criteria, is considered a permitted use in the Planned Business-5 Zone. MOTION PASSED UNANIMOUSLY.

Old Business, Continued:

2. Site Modification Request, Chuck's Margarita Grill, Proposed Deck, 1498 Stafford Rd, File #303

Mike Gallagher, Chuck's Margarita Grill, submitted verification of neighborhood notification. He reviewed items of neighbor concern, stating that he agrees to install an evergreen border and fence, that music on the patio is not a serious consideration, and there will not be a sit down bar on the patio. The deck will have low-voltage downward-directed lighting, and there will be no increase in seating as per the DEP requirements.

Chairman Favretti noted that no final plans have been submitted to the Fire Marshal, and that a letter has not yet been received from the D.E.P. regarding the septic situation.

Barry Cyr, Condo Association, spoke against the plan expressing concern for the noise, hours of operations, after hour employee noise, and the increase in incidents following sports events.

Lisa Toulounjian spoke against the plan noting the problems that currently occur and stated that adding the deck will only increase the noise.

Cliff Gottmann expressed concern for the amount of money the condo association has spent as part of their contract to improve the water system that includes the restaurant only to have the supply be inadequate due to the increase in restaurant seating. He also stated that the noise seems to roll up the hill and create a natural amphitheatre.

Taiping Ye concurred that the deck noise will be magnified by being at the bottom of a "bowl". He presently hears noise from his home at Forest Road.

Sharon Bowen expressed concern that this will cause a decrease in property values due to the noise pollution, parking problems and speeding on Route 32.

Aaron Paterson spoke against the plan because of the extreme problems with noise from the restaurant after hours, the increase noise that will result from the addition of the deck, potential for light pollution, and increased problem with parking. He fears economic loss and possible problems selling their properties in the future.

Rebecca Boncodd stated that she moved to this location because of its tranquility and now it is too loud late at night. She fears it will be worse with this proposal.

Peter Millman, of Covenant Realty Group, expressed that in his professional opinion this proposal will be disastrous for condo owners who may be unable to sell their condo in the future.

Hall questioned when Chuck's was established (1972) and when the condominiums were built (1989).

Pociask requested a map that shows the proximity of the closest condos to the proposed deck.

Kathleen Paterson spoke against the proposal stating that they purchased in Mansfield because they were committed to this town, and noted that they anticipated a certain level of noise coming from Chuck's. She stated that she did not purchase knowing there would be a deck put outside their windows. She fears the noise will force them to either move and take a loss on their property or stay and have their quality of life suffer. She suggested the Commission visit the site in the evening and take into consideration their concerns.

Karen Gottmann emphasized the after hours parties in the parking lot and the lack of management to control it, noting it there will be an increase in partying by employees on a deck.

Noting no further questions or comments from the public, applicant or Commission, the consensus

of the Commission was to table this item and be prepared to discuss it at the next meeting. Favretti asked that Padick provide a plan that shows the site and the locations of the condominiums. Padick noted that if the Commission determines that this proposal is a significant land use change, the PZC can request the applicant file a Special Permit application instead of a modification.

3. **Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2 M.A.D. 12/23/09**
Pociask disqualified himself. Padick reviewed the provisions and determinations that the PZC must make. Holt volunteered to work with staff to draft a motion.
4. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**
Tabled -awaiting potential comments from primary property owner.

New Business:

1. **Request to Terminate Hiking (public access rights on lot 23 of the Maplewoods Subdivision)**
Files #974-2 and #974-3
Goodwin MOVED, Hall seconded, that the Planning and Zoning Commission deny the request of Attorney Samuel Schrager on behalf of Robert and Lucinda Weiss of Lot 23 Maxfelix Drive, to eliminate the hiking trail. MOTION PASSED UNANIMOUSLY.
2. **2010 Meeting Schedule:**
Goodwin MOVED, Hall seconded, that the Planning & Zoning Commission approve the 2010 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency. MOTION PASSED UNANIMOUSLY.
3. **Request of Paideia for release of bonds:**
Tabled-referred to staff.

Reports of Officers and Committees:

Chairman Favretti expressed thanks on behalf of the entire Planning and Zoning Commission and Inland Wetlands Agency to Betty Gardner, Peter Kochenburger and Larry Lombard for their contributions and volunteering their time and wished them all well.

Kay Holt reported that UConn officials requested that the Depot Campus be included in the WINCOG Development Area but were denied by WINCOG's Regional Planning Commission.

Communications and Bills:

Special attention was called to the next Conservation Commission Meeting on 11-18-09 where UConn representatives will be present to discuss the drainage issues re. Eagleville Brook as stated in "The Memorandum of Understanding Between the Department of Environmental Protection and the University of Connecticut" (dated 9/24/09). The meeting will be held in Conference Room B, at 7:30 p.m.

Adjournment:

Favretti declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

